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9 As Liquidating Agent For Western Corporate Federal Credit Union

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 NATIONAL CREDIT UNION
13 ADMINISTRATION BOARD AS
14 LIQUIDATING AGENT FOR
15 WESTERN CORPORATE FEDERAL
16 CREDIT UNION,

Plaintiff,

16 v.

17 ROBERT A. SIRAVO, TODD M. LANE,
18 ROBERT J. BURRELL, THOMAS E.
19 SWEDBERG, TIMOTHY T. SIDLEY,
20 ROBERT H. HARVEY, JR., WILLIAM
21 CHENEY, GORDON DAMES, JAMES
22 P. JORDAN, TIMOTHY KRAMER,
ROBIN J. LENTZ, JOHN M. MERLO,
WARREN NAKAMURA, BRIAN
OSBERG, DAVID RHAMY and
SHARON UPDIKE,

23 Defendants.
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Case No.: CV10-01597 GW (MANx)

**JOINT STIPULATION: (1)
EXTENDING DEADLINE FOR
PLAINTIFF TO RESPOND TO
COUNTERCLAIMS AND TO FILE
MOTION TO STRIKE; (2)
SETTING BRIEFING AND
HEARING SCHEDULE FOR
PLAINTIFF'S MOTIONS TO
DISMISS AND TO STRIKE; AND
(3) INCREASING PAGE LENGTH
FOR MEMORANDA OF POINTS
AND AUTHORITIES ON
COMBINED MOTIONS TO
STRIKE AND TO DISMISS**

1 WHEREAS plaintiff the National Credit Union Administration Board as
2 Liquidator for Western Corporate Federal Credit Union (the "NCUA") filed a
3 Second Amended Complaint [Docket 116] in this action on February 22, 2011;

4 WHEREAS, the Answers and Counterclaims of (a) defendant and
5 counterclaimant Robert John Burrell [Docket 157], (b) defendants and
6 counterclaimants Robert A. Siravo and Thomas E. Swedberg [Docket 158], and (c)
7 defendant and counterclaimant Timothy T. Sidley [Docket 159] (as amended
8 pursuant to stipulation) [Docket 164] were filed on August 15, 2011;

9 WHEREAS, the Amended Answer and Counterclaim of defendant and
10 counterclaimant Todd M. Lane [Docket 170] was filed on September 2, 2011;

11 WHEREAS, the NCUA as a government agency has 60 days to respond to a
12 counterclaim pursuant to Fed. R. Civ. P. 12(a)(2), making October 14, 2011 the
13 NCUA's deadline for filing its responsive pleadings to the Answers and
14 Counterclaims filed on August 15, 2011 and November 1, 2011 the NCUA's
15 deadline for filing its responsive pleadings to the Amended Answer and
16 Counterclaim filed on September 2, 2011;

17 WHEREAS, the NCUA plans to file a motion to strike certain affirmative
18 defenses in the Answers pursuant to Fed. R. Civ. P. 12(f), and a motion to dismiss
19 the Counterclaims pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6);

20 WHEREAS, on September 30, 2011 the NCUA sent the defendants two
21 letters pursuant to Local Rule 7-3 outlining in detail the positions it would be
22 asserting in its motions;

23 WHEREAS, on October 4, 2011 the defendants requested more time to
24 consider the merits of the arguments set forth in the NCUA's letter and proposed
25 that the parties extend the time for the NCUA to respond to the Counterclaims and
26 file its motion to strike to permit such further consideration and to allow the parties
27 to meet and confer further in an attempt to resolve some or all of the issues raised by
28 the NCUA in its meet-and-confer letters without the need for motion practice;

1 WHEREAS, the NCUA will be responding to four separate Answers and four
2 separate Counterclaims;

3 WHEREAS, to avoid duplicative and wasteful briefing and to reduce the
4 burden on the Court and the parties, the NCUA and the defendants agree that the
5 NCUA should file a single motion to strike addressing all four Answers and a single
6 motion to dismiss addressing all four separate Counterclaims, and the defendants
7 should together file a single brief in opposition to the NCUA's motion to strike and
8 a single brief in opposition to the NCUA's motion to dismiss;

9 WHEREAS, counsel for the NCUA is scheduled to commence a two-week
10 trial on October 18, 2011;

11 WHEREAS, the parties wish to extend the deadline for the NCUA to file its
12 motions to accommodate counsel's schedule and to give the parties more time to
13 meet and confer as to the issues to be presented in those motions; and

14 WHEREAS, the parties believe it appropriate to give the parties additional
15 time to prepare their opposition and reply papers to allow the defendants to
16 coordinate the preparation and filing of combined briefs in opposition to the
17 NCUA's motions and to give all parties time to brief the issues to be presented by
18 the NCUA's motions;

19 IT IS HEREBY STIPULATED by and between the NCUA and all
20 defendants, through their respective counsel, that:

21 (1) the NCUA may have an extension of time until November
22 14, 2011 to file a single motion to strike affirmative defenses asserted
23 in the four Answers and a single motion to dismiss the four
24 Counterclaims (or to answer the Counterclaims, if the NCUA
25 ultimately does not file a motion to dismiss);

26 (2) the defendants may have until December 5, 2011 to file
27 their combined oppositions to the NCUA's motions to strike and to
28 dismiss;

(3) the NCUA may have until December 23, 2011 to file its reply papers in support of its motions to strike and to dismiss;

(4) the NCUA's motions to strike and to dismiss may be heard at 8:30 a.m. on January 9, 2012, or at such other date or time as may be acceptable to the Court; and

(5) the page limit for the opening and opposition memoranda of points and authorities on the NCUA's motion to strike and on its motion to dismiss may be increased from 25 pages to 30 pages.

DATED: October 11, 2011

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DATED: October 11, 2011

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